

**REMARKS/ARGUMENTS**

Following entry of this amendment claims 1-3, 16-17, 21-22 and new claims 24-31 will be under examination. Amendment or cancellation of claims in this response is done without prejudice to future prosecution of the original subject matter in this or a future application and does not indicate agreement with the rejections set forth by the Office.

No new matter is introduced by new claims 24-29. Basis is replete in the specification including, e.g., paragraph [0073].

For the convenience of the Office, reference is made below to the paragraph numbering of the Office Action.

Paragraph 3. The specification has been amended to overcome the objections.

Paragraph 5. Applications enclose herewith the references (PCT and EPO patent publications) misplaced by the Office.

Paragraphs 6 and 7. Applicants believe the rejections are overcome by the amendment to claim 1.

Paragraphs 8 and 9. Applicants have amended the claims to delete reference to MegF or MegK. This amendment moots the rejection based on the reference to these genes in the Volchegursky reference and U.S. Pat. No. 6,524,841.


Appl. No. 10/611,442  
Amdt. dated August 15, 2006  
Reply to Office Action of April 18, 2006

PATENT

### CONCLUSION

In view of these amendments and remarks, it is believed the claims are in condition for allowance. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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Attachments